

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
Minutes of the Monthly Meeting
1401 Rockville Pike, 4th Floor, Rockville, MD 20850
April 4, 2018

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:03pm by Chairman Mark Fine.

Commissioners present: Burrows, Ethier, Fine, Fishbein, Gardner, Gelfound, Majerle, Oxendine, Viney, & Valley.

Commissioners absent: Branda, Fonoroff, Koonin, Winegar

Also attending: Walter Wilson, Assoc. County Attorney; Ife Fabayo, CCOC staff; Tim Goetzinger, DHCA Chief of Finance & Administration

Guests: Larry Dorney [Grosvenor IV], Joe Dunn [Grosvenor IV], John Kester [Dumont Oaks], Vicki Vergagni [Glenwaye], Leah Tavens [Willoughby of Chevy Chase], and Hugo Borda, Satya & Rita Bose, Partap, Pritam, & Parmashwari Verma, Zheng Youxin, Kayoko Terasawa [Deer Park HOA].

Mr. Dorney set up a video camera to record the meeting. Commissioner Fine stated that Commission policy permits members of the public to record open sessions as long as all persons present are notified that a recording will be in progress, and with the proviso that neither the recording nor a transcript of the recording will be considered an official record of the meeting. Mr. Dorney agreed with Mr. Fine's statement; he ceased recording, reserving the right to record future meetings.

1. Approval of Minutes: Commissioner Burrows moved to approve the minutes of the March 7, 2018 monthly meeting, with one amendment proposed by Commissioner Gelfound. The motion was approved as amended by majority vote; Commissioners Fine, Fishbein, Oxendine, abstained.
2. Open Forum: Leah Tavens from the Willoughby, and the attorney & residents from Deer Park each stated they attended to learn more about the Commission's proceedings.
3. IT Presentation: Commissioner Fine acknowledged past problems with transferring data from the Office of Consumer Protection, development of the CMS system, and data entry affecting CE1 files. He commended the IT team for their dedicated assistance recently in making the necessary upgrades.

Gael LeGuellec demonstrated the recent improvements to the CMS system, addressing many of the commissioners' concerns about the loading and management of documents, pagination, and printing large CE1 files. Commissioners were positively impressed by his demonstration of e-readers proposed for use in panel hearings.

4. DHCA Chief Report: Tim Goetzinger advised that all visitors [members of the public attending meetings or hearings] must be directed to the 4th floor for parking validation, *before* being escorted to an upper floor hearing room. The building locks down at 10:00pm. All meetings and hearings should be concluded and all visitors exiting the building by 9:45pm. After 10:00 pm elevators will only go 'down'; offices will also be locked down.

Mr. Goetzinger also referenced his memo outlining the procedures for communication, compiling monthly meeting packets, compiling the CE1s for hearings, completion of Decisions & Orders, and addressing Default cases.

Commissioner Viney noted that the proposed timeline for completion of D&Os would bring the decision to the parties after 70 days, which does not comport with 10-B and is an unacceptable delay for the parties after going through an already long complaint process.

Commissioner Ethier noted that her ad hoc committee's proposed timeline & tracking of disputes' required statutory & regulatory documentation is crucial to the proper conduct of complaints. Mr. Goetzinger & Commissioner Fine will discuss further with Commissioner Ethier. Commissioner Ethier requested Commission feedback by April 18th.

5. **Submission of disputes for consideration of jurisdiction:**

Defaults:

#2018-052 Hallowell HOA v. Jhon Gamez: Respondent did not respond; Commissioner Viney moved to **accept jurisdiction and refer the case to a default hearing**, approved by unanimous vote; all defaults will receive notice by certified mail.

Cases for jurisdiction:

#2017-030 Herbert Bennett v. Timberlawn HOA: Commissioner Oxendine moved to **accept jurisdiction on the amended complaint and refer the complaint to a hearing panel**, approved by majority vote, Commissioners Fine, Fishbein, & Gardner recused.

#2018-050 Deer Park HOA v. Rudesh Ranade: Commission proposed that parties be urged to attempt **mediation with Michael Lang**, and that parties be advised in writing by certified mail as to consequences of refusing mediation; Commissioner Fine will convene the Stay Panel to rule on the motion re arbitration with JAMS set for May 9; Commissioner Burrows moved to **accept jurisdiction and refer the complaint to a hearing panel** after mediation is attempted, approved by majority vote.

Commissioners are requested to contact Mark Fine with dates they are available, or not available, for hearing panels in May [Mon-Fri].

6. **Decisions & Orders issued** and included in meeting packet:

#05-17 Youssef v. Cloverleaf Center Condominium: Complainant's request for reconsideration was denied.

7. **Decisions & Orders on Appeal**: #38-16 Creitz v. Meadow Ridge Villas in circuit court.

8. **County Attorney's report**: Ginsberg v. Avenel undergoing edits & comments; Tobb v. Oak Grove under review.

9. **Staff report**: Monthly data reporting was unavailable at time of meeting.

10. **Chair's report**:

- #16-17 Cobb v. Fairland Acres HOA: Commissioner Valley moved to allow case to be sent to OZAH for hearing, accepted by majority vote, Commissioner Gardner recused.

- Commissioner Valley moved to reschedule the commission meeting of Wednesday, July 4 to **Wednesday, July 11; approved by unanimous vote.**
- Anyone applying for open commission seats must apply online; all sitting commissioners must complete their financial disclosure requirement.

11. Committee reports:

Education Committee [Kathy Viney, Chair]:

- No report

Legislative Committee [Ilana Branda, Chair]:

- Commissioner Branda emailed her report to commissioners prior to the meeting.

IT Committee [Mike Burrows, Chair]:

- No report; see Gael's LeGuelllec's earlier presentation.

Process & Procedures [Marietta Ethier, Chair]:

- No report; see earlier responses to DHCA Chief's report.

12. Old Business: Staff to be advised that in future all correspondence on complaints be sent to parties via certified mail for confirmation of receipt.

13. New Business:

- Commissioner Gelfound presented a Code of Conduct for visitors comments during Open Forum; Commissioner Valley moved to remove Open Forum from agenda, after discussion motion failed; Commissioner Burrows moved to adopt the Code of Conduct as written, then rescinded motion; after discussion and proposed amendments Commissioner Burrows moved to **adopt the Code of Conduct with amendments, approved by unanimous vote.**

14. Adjournment: the meeting was adjourned at 9:45pm.

Minutes submitted by
Kathy Viney, Commissioner
& Recording Secretary

**The next monthly meeting of the Commission will be Wednesday,
May 2, 2018 at 7:00pm at 1401 Rockville Pike, 4th Floor.**